

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. 4:14-cr-10-DPM-7

HAROLD BLAKELY ALLEN, JR.

DEFENDANT

ORDER

1. Motion for appointed counsel, *Doc. 887*, denied. Allen has ably represented himself in his post-conviction filings.

2. Allen again renews his motion for compassionate release. *Doc. 886*. That motion is denied.

First, Allen is mistaken about the First Step Act and the effect it would have had if he'd been sentenced after its passage. *Doc. 886 at 2-4*. The statutory penalty for Allen's drug offense is still ten years to life. 21 U.S.C. § 841(a)(1) & (b)(1)(A). He did not receive a § 851 enhancement, which would have subjected him to a higher mandatory minimum. *Ibid.* And he was not sentenced on any § 924(c) count. *Doc. 531 at 1*.

Second, the Court is sympathetic to Allen's health struggles and to the threat that COVID-19 poses inside the prison walls. But the Court stands by its conclusion that reducing Allen's sentence to time

served — a seven-year reduction — is not an appropriate remedy in this case. *Doc. 860, 863 & 877.*

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

20 November 2020